

Members

Rep. Dan Stevenson, Chair  
Rep. Claire Leuck  
Rep. Robert Alderman  
Rep. John Ulmer  
Sen. Robert Meeks  
Sen. Becky Skillman  
Sen. Rose Ann Antich  
Sen. Allie Craycraft



# RAIL CORRIDOR SAFETY COMMITTEE

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Authority: P.L. 87-1997

## MEETING MINUTES<sup>1</sup>

Meeting Date: October 12, 1999  
Meeting Time: 10:00 A.M.  
Meeting Place: Indiana Port Commission 6625 Boundary Drive, Conference Room  
Meeting City: Portage, Indiana  
Meeting Number: 2

**Members Present:** Rep. Dan Stevenson, Chair; Rep. Claire Leuck; Sen. Robert Meeks; Sen. Allie Craycraft

**Members Absent:** Rep. Robert Alderman; Rep. John Ulmer; Sen. Becky Skillman; Sen. Rose Ann Antich.

The Chair, Rep. Dan Stevenson, called the meeting to order at 10:34 a.m. Rep. Stevenson said that because there was no quorum, no official business (recommendations or approvals) could be made by the Committee, but that the Committee would take testimony on the day's agenda topics.

### 1. Indiana Department of Transportation (INDOT) Comparison of Rail Grade Crossings

The agenda topic called for the INDOT to compare rail grade crossings that potentially will be used for high speed rail with a list of crossings scheduled to be upgraded in the near future. The Committee wanted to know if there would be any duplication of effort on the same rail grade crossing.

Rep. Stevenson recognized Ms. Kathy Noland, Director of Public and Legislative Affairs for the Indiana Department of Transportation. Ms. Noland told the Committee that she had no specific information on the topic. She said that she would try to answer questions and respond later in writing with specific information. In response to a question from the Committee, Mr. Steve Hull, Engineering Services Manager for INDOT, told the Committee that he would be speaking at the upcoming high speed rail conference on safety issues and not high speed rail, per se. He said that he did not know if other INDOT representatives would be addressing the conference on the subject of high speed rail. Mr. Hull also told the Committee that he will not be making any

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<sup>1</sup>Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

recommendations on any subject and that his participation will be part of a panel discussion on warning devices.

Mr. Hull further commented that the differences between high speed safety devices and regular safety devices can be significant. Mr. Hull told the Committee that the federal government does not want anyone on the tracks as a train approaches. Mr. Hull told the Committee of a steel net used in Illinois which comes down and would slow down a vehicle before it got on the tracks. He also said that lights and gates still would be used. Mr. Hull further commented that there would be a need for more safety devices for high speed rail, but it would not be necessary to remove what already is in place at the crossing. In response to a Committee question, Mr. Hull said that the INDOT is just at the beginning stages of the high speed rail process.

In response to a Committee question, Mr. Larry Goode, Director of the Intermodal Division of the INDOT, told the Committee that the corridors on which the INDOT is working for high speed rail are consistent with the national high speed rail plan. He also said that several of the actual alignments have not yet been identified. He said that there have been discussion efforts in determining alignments and that studies are being conducted presently to make these determinations. Mr. Goode said that the INDOT will have a better idea next year after the completion of the studies of where the high speed rail crossings might be located.

In response to another Committee question, Mr. Goode told the Committee that Indiana is part of a nine-state High Speed Rail Compact. He said that there are two designated routes through Chicago to Indiana. When asked about funding for the high speed rail projects, Mr. Goode said that a source(s) have not been identified specifically as yet, but that interested parties are looking for funding sources. Mr. Goode further commented that federal funding most likely would consist of an 80-20% match, with the federal government contributing 80% of the cost and the state contributing 20%. He said that other states will share in the cost because they will benefit. Mr. Goode said that the state share will go to purchasing the rolling stock, with the idea that if the project does not succeed, the state can sell the rolling stock and recoup its money. Mr. Goode said that three designated routes for high speed rail have been identified. They are: Cincinnati to Chicago; Chicago to Toledo; and Chicago to Detroit.

## **2. INDOT--Update on the status of the Rail Grade Crossing Fund**

Rep. Stevenson next recognized Mr. Ron Thomas, Railroad Section Manager of the INDOT. Mr. Thomas is responsible for the Rail Grade Crossing Fund. Mr. Thomas distributed a handout Passive Grade Crossing Improvement Program. This document contained charts and graphs depicting various aspects of the Rail Grade Crossing Fund. Mr. Thomas told the Committee that a project survey was conducted in August, 1999, for all current grantees. Mr. Thomas said that grantees has various reasons why a project was not completed, such as "we are waiting on a purchase order to start the project", or "the purchase order did not have the proper name on it". Mr. Thomas told the Committee that seven applicants have completed their grade crossing improvement projects. He said that three applicants have withdrawn from the program. Nineteen applicants have not yet submitted a contract invoice voucher request for reimbursement. Mr. Thomas said that two applicants are currently drawing down their balances. A portion of their projects have been completed. Mr. Thomas said that thirteen purchase orders were generated in 1999, and one purchase order has not completed the signatory process. Mr. Thomas further commented that four applicants anticipate completing their project in the year 2000. Mr. Thomas said that as of September 14, 1999, applications totaling approximately \$381,100 have been received by the Railroad Section. He also said that the Rail Grade Crossing Fund was appropriated \$500,000 during the 1999 session of the General Assembly. When asked by a Committee member when the \$381,100 in applications would be approved, Mr. Thomas said that he expected the approval process to be completed by January, 2000.

Mr. Steve Hull of INDOT was recognized by the Chair. Mr. Hull told the Committee that in Indiana, the railroads, not the State, have jurisdiction over the warning devices. He said that the railroads want to do their own maintenance and installations. He also said that local roads are not in the State's jurisdiction.

Rep. Stevenson next recognized Ms. Patti Smith, Crossing and Trespass Regional Manager of the Federal Railroad Administration (FRA). Ms. Smith told the Committee that Wisconsin is using reflective tape on the front and back of all cross bucks. When asked by a Committee member how Wisconsin is able to this, Ms. Smith said that the Railroad Commissioner in Wisconsin can order the railroads to do it. Ms. Smith went on to say that the State of Ohio has reduced the amount of time to implement grade crossing improvements.

### **3. Tour of Rail Grade Crossings and the Port Commission Bridge over U.S. 12**

At this point, the Chair told the Committee that they would be boarding a bus to tour the Port Commission Bridge over U.S. 12 and various grade crossings. Committee members, staff and interested parties boarded the bus for the tour.

Back at the Port Commission office, the Committee reconvened and began to take testimony.

The Chair recognized Mr. John Parsons, Director of Marketing for the Northern Indiana Commuter Transportation District (NICTD) which operates the South Shore Railroad. Mr. Parsons told the Committee that on August 27, 1999, the National Transportation Safety Board (NTSB) issued its safety recommendation regarding the Midwest Steel Co. crossing, the site of the June, 1998, grade crossing accident, involving a truck hauling steel and a South Shore train. Mr. Parsons said that the NTSB, in summary, recommended that NICTD, Norfolk Southern railroad, National Steel, the FRA, the Federal Highway Administration (FHWA), and the INDOT work together to make permanent engineering changes within two years to the Midwest Steel grade crossing that will minimize or eliminate safety hazards at the crossing. Mr. Parsons continued and said that NICTD believes the only change that will eliminate future accidents is the design and construction of a grade separated facility (bridge).

Mr. Parsons said that the first objective in such a design is to determine if there is any asset value in the existing Port Commission bridge, which is scheduled to be demolished once the new bridge is completed. He said that NICTD joined Rep. Stevenson in advocating such a study. He said that this analysis has been completed. Mr. Parsons said that the cost to upgrade the old bridge would exceed the cost of a second bridge. Mr. Parsons said that this leaves only one option: the construction of a new bridge as proposed by American Consulting Engineers in their October 9, 1998, report. Mr. Parsons said that this report identifies six alternative alignments. Mr. Parsons went on to say that a second bridge will require the complete and active participation of the INDOT and may require a significant commitment from the National Steel company.

Mr. Parsons said that it is critical that all parties move beyond discussions and towards a permanent grade separated grade solution. He said that for reasons of public safety and to comply with the NTSB's recommendation, the staff of NICTD is considering a recommendation to NICTD's Board of Trustees to close the Midwest Steel crossing effective August 27, 2001.

Mr. Dave Blackmore, Deputy Administrator of the FRA in Chicago, was recognized by the Chair. Mr. Blackmore told the Committee that the FRA will put restrictions on the Midwest Steel crossing that will make it impossible to use if there is another accident there. Mr. Blackmore said that because this is a private crossing, there is no federal funding available. He went on to say that if the crossing was at Ogden Dunes, which is a public crossing, there would be federal funding available, most likely an 80-20% match, with the federal government's share 80% and

the state share 20%. Mr. Blackmore said that if the crossing were a high speed crossing, more money would be available. In response to a Committee question, Mr. Blackmore said that this would not help the Clark Road crossing which is another high traffic volume crossing which the Committee has visited in past years.

Committee discussion then centered around the idea of the public-private crossing issue and the fact that federal funds cannot be used on a private railroad crossing. The Chair commented that there was a problem with the public-private crossings. He said that there was an overpass (access road) which provided access to the riverboats. NICTD representatives commented that this is not inconsistent with other areas where an access road was built into a private steel mill. Asked to comment on this, Ms. Noland from the INDOT said that the casinos paid for the cost of the access road. Ms. Smith of the FRA told the Committee that the solution is to get the Congress to pass a law which allows the use of federal funds on private crossings. Committee members also suggested the use of the Build Indiana Fund (BIF) as a possibility. The staff was instructed to explore this possibility. Mr. Parsons of NICTD said that they would like to see the possibility of a federal demonstration project, similar to the Cline Avenue project in Gary.

Mr. Mike Rogers, representing Norfolk Southern Railroad was recognized by the Chair. Mr. Rogers told the Committee that time is running out for addressing the Midwest Steel crossing problem. He also suggested that perhaps the Clark Road crossing in Gary could be used as a demonstration project for federal funding. Mr. Rogers further commented that Gary does not have the funds necessary to work with the Clark Road crossing. Mr. Rogers said that the Midwest Steel crossing can't be deeded to the town because the town would not accept the inherent problems associated with the crossing. It also can't be deeded to the state because it is not a state highway.

Rep. Stevenson next called upon representatives from Local 6103 of the Steelworkers Union. They said that whatever is ultimately done, they, as workers, want to be able to get in and out of the steel mills safely. Mr. Dave Shaffer of the union said that they favor an overpass. He also said that he and others went to Washington, D.C., and met with Senator Richard Lugar who, they said, was interested in the project. Rep. Stevenson told the Committee of a September 15, 1999, letter he sent to Governor O'Bannon on this project, requesting a delay on the demolition of the old bridge and, with the thought that the new bridge, combined with the old bridge would provide sufficient capacity to enable the closure of the Midwest Steel crossing. He then made available a copy of the letter and the response he received from Cristine Klika, Commissioner of the INDOT. In her letter to Rep. Stevenson, Ms. Klika said that she was responding to his letter which had been forwarded to her by Governor O'Bannon. In her response to Rep. Stevenson, Ms. Klika said that the suggestion to "shift the Midwest Steel crossing to the location of the new bridge at the Port of Indiana entrance is an issue that is beyond the span of control of the INDOT". She also said that "...because it is a private drive, the use of federal funds would not be appropriate". Ms. Smith was recognized by the Chair and reiterated that the ultimate solution is to have the federal law changed to permit such uses. She suggested contacting the Indiana Congressional delegation. Rep. Stevenson said that he would like to send a letter to the Indiana Congressional delegation and asked the staff to draft a letter for approval for the next meeting when the Committee has a quorum to conduct business.

The Chair recognized Sen. Meeks who discussed the continuation of the Rail Corridor Safety Committee after its scheduled termination, November 1, 1999. Sen. Meeks presented Preliminary Draft 3106 which extended the Committee for two additional years. The Chair said that the Committee would take up PD 3106 at its next meeting. The Committee requested from the INDOT the costs associated with upgrading the current Port Commission bridge and the cost of a new bridge at Ogden Dunes.

With no further business, Rep. Stevenson adjourned the meeting at 12:45 p.m.